

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:10-CR-260-MOC-DSC**

**UNITED STATES OF AMERICA )  
                                )  
                                )  
                                )  
v.                            )  
                                )  
                                )  
**GREGORY D. ANDERSON,     )**  
                                )  
                                )  
**Defendant.                )**  
                                )  
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**ORDER**

**THIS MATTER** is before the Court on the letter received July 5, 2011 from Defendant (document #12) to the Honorable Max O. Cogburn, Jr. On July 6, 2011, Judge Cogburn ordered that Defendant's letter be deemed a Motion for Appointment of New Counsel and referred the matter to the undersigned (document #13). The Court conducted a hearing in this matter on July 20, 2011.

Having fully considered the arguments, the record, and the applicable authority, the Court finds that there is no basis for removal of counsel for Defendant, as discussed below.

Defendant is charged with numerous counts of bank fraud, wire fraud, HUD fraud, money laundering and assaulting and causing bodily harm to an officer.

At the hearing, defense counsel Randolph Lee stated that Defendant has unrealistic expectations about his representation.. The Court asked Defendant if he was requesting that Lee be removed as his counsel. Defendant requested that he be allowed to confer with Lee and the Court recessed the hearing.

When the hearing resumed, Defendant stated that he wanted to continue to be represented by Lee. The Court clarified the attorney-client relationship and explained to Defendant that there are certain decisions that must be made by him such as whether or not to plead guilty or go to trial and that there are other decisions that must be made by counsel such as identifying legal issues,

deciding what motions to file, and negotiating a plea agreement with the Assistant U.S. Attorney. The Court asked Defendant if he would be able to cooperate with Lee and listen to his advice, and he responded in the affirmative.

Based on the above facts, the Court does not find that there is a sufficient basis for removal of counsel for Defendant.

The Clerk is directed to send copies of this Order to counsel for the parties; and to the Honorable Max O. Cogburn, Jr.

**SO ORDERED.**

Signed: July 20, 2011



David S. Cayer  
United States Magistrate Judge

